

The Mayor and Council of Hurlock

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JOYCE A. SPRATT
MAYOR
JOHN H. AVERY
CLERK / TREASURER

COUNCIL MEMBERS
CHRISTOPHER J. ADAMS
CHARLES T. CEPHAS, SR.
PARKER J. DURHAM
GARY L. HENRY
MICHAEL D. NORDSTROM

MINUTES OPEN SESSION MEETING JULY 8, 2013 6:00 P.M.

Mayor Spratt called the meeting to order. Following the Pledge of Allegiance, Reverend Paul Bovankovich said the opening prayer. The roll call was then taken. Those in attendance were: Councilmembers Durham, Cephas, Henry, Nordstrom, Mayor Spratt, Attorney Robert Merriken, and Clerk Avery. Councilmen Adams was en route to the meeting.

The Agenda was approved with a Motion from Councilman Parker, seconded by Councilman Nordstrom and with no discussion, passed with a vote of 3-1. Councilman Cephas opposed.

The Minutes of the Open Session Meeting on June 10, 2013 were approved with a Motion from Councilman Nordstrom and a second from Councilman Durham. With no discussion, the Motion was approved with a vote of 3-1. Councilman Cephas opposed.

Mayor's Report – Mayor Spratt reminded citizens in attendance of the noise ordinance in the Town limits. There have been some occurrences. The Mayor wanted to advise that citizens should not hesitate to call the police department if this should happen in their neighborhood after 10:00 p.m.

Mayor Spratt announced that there has been discussion of forming a mini-Chamber of Commerce in the northern part of the county. Since many businesses in this part of the county do not belong to the Dorchester Chamber, they expressed interest in being able to come together and discuss business issues pertaining to the area. Suggestions are welcome.

Storm damage pick-up was done last week. Mayor Spratt announced that anytime a citizen has damages from a storm, to please cut the limbs, etc. to 4-foot lengths then let the Town Office know and they will be picked up at no charge. Pick-ups will be done again on this coming Wednesday, July 10th.

Nanticoke Memorial Hospital has shown continued interest in the Medical Center. They revisited the Center in Hurlock and things seem to be progressing well.

The Mayor and Clerk Avery met with Jeff Phillips, Minister of the Wesleyan Church in Hurlock. The Church expressed an interest in getting involved with helping the community, not just their church members. Mayor Spratt read a letter from the Minister expressing a desire to work on an event involving young people. Because of the need for electric, water supply, adequate parking and a central location, it was felt that the elementary school would be the best choice, but uncertain if this location would be available to the church. He asked for guidance in how to proceed. It is his hope to recruit other area churches and volunteers to assist and is asking for help from the Town in obtaining basic materials that would be needed, if at all possible. The church is also looking for assistance in aiding the elderly and disabled with needs such as grass cutting, pulling weeds, etc. The purpose of this would be to promote Town unity. Clerk Avery received a Reach-Out from Governor's O'Malley's Office inviting the Town to join the Maryland Municipal Planning Committee for a day in 2013 to serve. The program would run from Sept 15 – Sept 29. Clerk Avery felt the Town could incorporate these two events so the Town could focus on the young and the elderly. The entire letter from Reverend Phillips can be viewed at the Town Office upon request.

County Councilman Rick Price Report – Due to a conflict in his schedule, Mr. Price was absent, but had asked Mayor Spratt to read the County Council Report. Recent action by the County Council includes the following; approval of the FY '14 Operating Budget Amendments, categorical budget transfers for the Board of Education, net growth was reflected in fixed charges and teacher's salaries, approval of FY '14 funding agreement with the Health Department to provide local health services. A one-year contract was awarded to real estate broker Cassidy Turley to market lots in the Tech Park. Have a public hearing and approve 5 agricultural land easement applications, approved execution of a budget agreement for space for Chesapeake Coalition, approved 3 stormwater management agreements and voted to proceed with an application for a State grant for an x-ray machine and deferred a proposal for a fence to the Historic District Commission. The next County Council meeting will be July 16, 2013 at 6:00 p.m.

Department Reports –

Police Chief Les Hutton reported on the first 6 months of the year. The crime numbers for the first 6 months of 2012, at this same time, were up to 85 reported incidents. This year, for the same time period, the numbers are 22. The crime rate is well below a year ago and this can be attributed to the citizens of the Town and the police officers. Jack Lewis asked about a A/C compressor that was taken on June 17th from 112 Miles Circle. Has anyone been arrested for this incident? Chief Hutton's reply was there had not been. Also mentioned was a pack of dogs going through Woods Edge, to which the Chief replied these dogs are in the county so that is a Dog Control issue and they have been trying to capture these dogs with no success at this point. Mention was made regarding feral cats and if anything can be done. Dog Control does not administer collection of cats.

Old Business –

Waterland Fisheries - Clerk Avery informed the Council the Town received another request from Dr. Anderson asking the Town to adjust the sewer rates from Significant Industrial to Industrial. As explained previously it does not make a difference which one it is, there is no change in the sewer rates. Dr. Anderson is now requesting the classification be changed to commercial. That letter was forwarded to Councilmembers via e-mail. In the letter he also thanked the Council for a reduction in property taxes, but that was misquoted. The letter he received stated the first 3 items had not been acted on and the Council would look at the 4th item, which was the reduction in property taxes. Councilman Nordstrom asked if Dr. Anderson understood that nothing had been done yet about the reduction of his property taxes? Clerk Avery stated he had been given that information. Councilman Durham stated that at the last meeting the issue was addressed and the Council voted to take no action on items 1-3 and to address item 4 at a later date. Councilman Durham stated he now wished to address that issue. Dr. Anderson has been to the Council several times over past years asking for a break on his taxes. Each time Dr. Anderson would state that his doors were going to close in a few months unless he got a tax break. It is likely to become a reality if something is not done. As a Councilmember, Councilman Durham stated he has no interest in forgiving Dr. Anderson's full debt, help make his final payroll, and then have him close his doors and walk out of Town. To spur future growth, however, Councilman Durham would entertain a motion for the Town to give him a tax abatement for the next calendar year, if he pays his past debts or if he could clear all of his debt by June 30th, which was the end of last fiscal year. If that debt could be clear within 90 days, Councilman Durham would make a motion to forgive the current year's property tax with the Town. Councilman Durham reiterated that he did not want to give him something that would allow him to make his last payroll then walk out the door, but something that would allow him to plan for the future and move ahead. Councilman Durham then made a Motion that if in 90 days, the debt Dr. Anderson has to the Town as of 6/30/2013 is paid in full, the Town would forgive his 2013-14 property tax to the Town of Hurlock. The Mayor asked if he was talking total debt; water, sewer, etc. The debt owed for sewer is \$47,927.00; property taxes owed up to 6/30/2013 are \$9,200.00, so approximately \$58,000.00 owed to the Town. Councilman Durham said the Motion was to consider only the property taxes for FY 13-14. Councilman Nordstrom seconded the Motion. Councilman Cephas stated he felt this was not being done the right way. Mr. Cephas continued that Dr. Anderson has consistently requested the Town's assistance from the prior council and the current council. This is a crucial vote that needs all councilmembers votes. Councilman Cephas further stated that Dr. Anderson could hire local people for his business. The Town has done exceptional things before and he feels this can be done again.

(Councilman Adams arrived at 6:34 p.m.)

Councilman Durham said another option would be to extend the offer to 6/30/2014. He believes this is a good effort being made by the Town to help. The Motion was repeated to Councilman Adams and stated that a 100% property tax break for Waterland Fisheries is unheard of for a Town to do this. Mayor Spratt expressed concern if another business comes along later and incurs a \$58,000.00 debt to the Town; is this setting a precedent that could hurt the Town in the long run? The bills for Waterland Fisheries and Dr.

Anderson are going to continue to accumulate and he is at \$58,000.00 now, where will he be in 6 months? This is taxpayer's money that is being discussed. If it was your home and you did not pay your taxes, your home would go to tax sale. Councilman Cephas again stated that the prior council and the current council worried about opening Pandora's box. He feels it is a case-by-case basis and he will not vote on a proposal. Councilman Cephas further stated that Allen Foods was given breaks, why can't the Town do this for Dr. Anderson. Councilman Adams feels that Dr. Anderson is in trouble now and needs the support of the Town. Councilman Durham had a concern that the Town would give him relief, and then Dr. Anderson will end up leaving. Attorney Merriken responded that it was possible a document could be prepared with proper wording; such as he has done with private situations, with an abatement agreement when there is a judgment against someone in a civil case. There is an agreement not to collect for a certain period of time or agree to forbear on the judgment. Mr. Merriken stated again that he has done this in private situations, but never with a Town. Councilman Durham withdrew his Motion. There continued to be much discussion. Councilman Durham then made a Motion that if Waterland Fisheries is in good standing with the Town, meaning that all their debts are paid by 6/30/2014, with the exception of the 2012-2013 & 2013-2014 tax bills, that their 2012-2013 & 2013 -2014 tax bill would be abated. Councilman Nordstrom seconded the Motion. Councilman Durham stated they are offering twice the relief in more time. Dr. Anderson would have to be in good standing by 6/30/14. Councilman Cephas asked Mr. Merriken if a new council could change this vote. Mr. Merriken said it is possible that a new council could change it. The Mayor called for a vote; Henry – Aye, Adams – Aye, Nordstrom – Aye, and Cephas – abstained, Durham – Aye. The Motion passed with a vote of 4-1, with Cephas abstaining. Councilman Cephas made a Motion to abate all back sewer fees of \$47, 927.24 for Waterland Fisheries. Councilman Adams seconded the Motion. There was no discussion and with the following votes: Cephas – Aye, Adams – Aye, Nordstrom – Nay, Durham – Nay and Henry – Nay, the Motion failed 3-2. Mr. Merriken will contact Dr. Anderson to inform him of the Council's decision.

Andolfatto Request – Mayor Spratt advised the Council of a request by the owner of the Andolfatto house, on the corner of Main & Broad Streets, that burned and the chimney had been in danger of falling. The Council previously voted to give the owners until July 2013 to clean it up. The Andolfattos are now requesting they be given until January 2014. Clerk Avery stated the Town received two letters asking for an extension until the end of the year to complete the demolition. The house is located on 111 Main Street. The Council voted at the April 22nd meeting to go forward with an order of demolition with the court but not act on it until July 22nd. Ben Burris was informed in the Town Office on May 3rd or 4th of the Council's decision and given a copy of the letter stating what had been determined by the Council. There are safety issues with the house, including broken windows. There also has been no one at the house since the chimney fell to clean up the debris. There was discussion by Councilman Cephas regarding the consideration already given to the Adolfattos by the Council. Clerk Avery stated that on the code issues; if the Town is aware of safety issues of the house as a hazard and does not act on them the Town becomes as liable as the property owner. Mayor Spratt stated the Council was being forewarned of this issue so they would be aware if they received any

correspondence from the Adalfattos. Councilman Cephas stated that the Town has bent over backwards and allowed more than adequate time already. There was no interest shown by the Council for allowing additional time.

New Business –

Amick Farms Site Plan – Mayor Spratt stated that the expansion site plan for Amick Farms needs final approval by the Council. It is a 16 million dollar expansion. Clerk Avery explained that the plans have been submitted to Dorchester County Stormwater Management Erosion Control. Approval has been issued from Soil and Erosion Control for the work. A pre-construction meeting is to be held with the Maryland Department of Environment and Stormwater Management. Amick Farms has issued a stormwater facilities management agreement to the Town and posted a Letter of Credit for 120% of the estimated cost of the stormwater work for their expansion. All planning requirements have been met, and reviewed by the Fire Marshall and Dave Wands of the Planning Board. The remaining issue is approval from the Council of the site plan. Mayor Spratt stated if there was no discussion, a Motion is needed to accept the site plan as presented. Councilman Durham made a Motion to accept the Amick Farms Site Plan as presented, Councilman Adams seconded the Motion and without any discussion, the Motion was carried and passed with a vote of 5-0, and no one opposed.

Well Request – Clerk Avery explained that Amick has requested a 5th well. They currently have 4 wells and would have to drill the 5th well in the Piney Point aquifer, which is one that the Town draws from. Davis, Bowen & Friedel is reviewing this request, and Maryland Dept. of the Environment has submitted their review. However, at this point Clerk Avery feels there is not enough information to go forward with a vote. Any additional information will be forwarded to Councilmembers via e-mail.


Public Comment – Councilman Cephas feels the Council needs to look to the future at some issues; i.e. curfews. Councilman Cephas stated 14 year olds should not be out past 10 or 11 p.m. He asked for the citizens to talk to the police chief about this issue. Monroe Quales said that in his opinion the Town does not need a new police station. The previous administration earmarked \$200,000.00 for a recreational center. He said he is unaware of what happened to the money. There is nothing for the young people to do. There are churches doing what he feels the Council should do. Perhaps the Town could partner with the churches in making something happen to keep young people busy then there would not be a worry about a curfew. As the Chief said, the crime problems have decreased. In that respect, a new police station is not needed. Reach out and give the young people something to keep them busy. These children are our future. Councilman Henry had comments about information obtained at the MML Convention regarding Town infrastructure. He is in favor of the police station in that the structure of the current building is not built to hold prisoners or to interrogate them, as it should be. Mr. Henry also feels that in our economy, construction companies will bid to get awarded the contracts, so the costs could come in under budget. Mr. Henry spoke regarding a speaker from one of the informational sessions at the MML Convention regarding infrastructures. This person is willing to speak to the Council and/or go with Clerk Avery

to view the streets, sewer lines, etc., to recommend what it might cost to repair these items

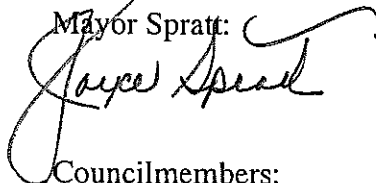
Councilman Cephas spoke regarding the stormwater system and the reality of future problems with flooding. He also reiterated the need for a youth center in the Town. Councilman Adams stated he was in support of Councilman Cephas' idea of a community center and agreed that the infrastructure of the Town does need to be looked at along with a new police station. We need to look at alternatives to accomplish these things and not spend all the money in one area. Councilman Nordstrom stated he agrees with Councilman Adams, but feels the Town has taken one giant step in moving forward with a new police station. He further stated that the Council should sit down and develop a plan for the future as to what can be done and where can it be done for the children in the Town. Mayor Spratt said she feels the Council needs to start small and move forward. She further hopes that the Council will get involved in the Governor's Day Program. Councilman Adams suggested looking at options with the community center he once had. It is still available and he was willing to donate the space for the purpose of a recreational facility for the young people. He would like for it to be done as a community, working together, not as an individual. Councilman Cephas stated his outrage that the government is chipping away at our rights and that people are not doing anything about it. The public needs to wake up and write to their Congressman. He feels that racism is nothing compared to losing your constitutional rights. Councilman Durham spoke about the police station, good quality drinking water, curfew, etc., all these things need to be addressed in a plan. Councilman Durham expressed that a few of the items mentioned, he would like to see in the form of a referendum on the ballots in November for the citizens to vote as they feel is right. Term limits, curfews, and salaries are just some things to consider placing on the ballot. Councilman Durham feels he doesn't hear enough from his constituents. He would like to hear more about how the citizens feel on certain topics. Councilman Cephas asked for a date as to when an item would need to be submitted in order to be placed on the ballot in November. Clerk Avery said he would send an e-mail requesting an answer to that question and let the Council know. Councilman Cephas wanted to acknowledge that a young man was murdered on Sunday.

Councilman Nordstrom made a Motion to adjourn the meeting. Councilman Henry seconded the Motion. The meeting was adjourned at 7:50 p.m. The next meeting will be July 22, 2013 at 6:00 p.m.

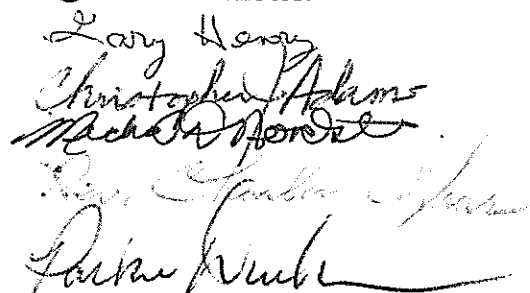
Respectively submitted,


John Avery
Clerk/Treasurer

Approved:

Mayor Spratt: 

Councilmembers:



MOTIONS AND VOTES BY COUNCIL MEMBERS

OPEN SESSION MEETING

JULY 8, 2013

MOTION to approve Agenda – Motion by Councilman Durham, seconded by Councilman Nordstrom, and with no discussion, the Motion passed with a vote of 3-1. Councilman Cephas opposed the vote.

MOTION to approve Minutes from Open Session Meeting of June 10, 2013 – Motion to approve made by Councilman Nordstrom, seconded by Councilman Durham, and with no discussion the Motion passed with a vote of 3-1. Councilman Cephas opposed the vote.

MOTION by Councilman Durham that if in 90 days, the debt owed by Dr. Anderson of Waterland Fisheries to the Town as of 6/30/2013, was paid in full, the Town would forgive his 2013-2014 property tax to the Town of Hurlock. After much discussion, Councilman Durham withdrew his Motion.

MOTION by Councilman Durham that if Waterland Fisheries is in good standing with the Town, meaning that all their debts are paid by 6/30/2014, with the exception of the 2012-2013 & 2013-2014 property tax bills, that their 2012-2013 & 2013-2014 property tax bill would be abated. Councilman Nordstrom seconded the Motion. The vote was as follows: Councilman Henry – Aye, Councilman Adams – Aye, Councilman Nordstrom – Aye, Councilman Cephas – abstained, and Councilman Durham – Aye. The Motion passed with a vote of 4-1, with Councilman Cephas abstaining.

MOTION by Councilman Cephas to abate all back sewer fees of \$47,927.24 for Waterland Fisheries, Councilman Adams seconded the vote. The vote was as follows: Councilman Cephas – Aye, Councilman Adams – Aye, Councilman Nordstrom – Nay, Councilman Durham – Nay, and Councilman Henry – Nay. The Motion failed with a vote of 3-2.